

1 Douglas A. Marshall (SBN 91227)
2 Kay & Merkle, LLP
3 100 The Embarcadero, Penthouse
4 San Francisco, CA 94105-1217
5 Telephone: (415) 357-1200
6 Facsimile: (415) 512-9277
7 dmarshall@kmlaw100.com

8 Attorneys for Defendants SIMI MANAGEMENT
9 CORP., and STEVEN A SIMI

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

AUTOMOTIVE INDUSTRIES PENSION) Case No.: C 09-02550 JSW
TRUST FUND, JAMES H. BENO, Trustee,)
BILL BRUNELLI, Trustee, STEPHEN J.)
MACK, Trustee, CHRIS CHRISTOPHERSEN,)
Trustee, DON CROSATTO, Trustee, MARK) **STIPULATION TO CONTINUE**
HOLLIBUSH, Trustee, GEORGE HALL, JR.,) **INITIAL CASE MANAGEMENT**
Trustee, CHARLES J. DI BARI, Trustee, RON) **CONFERENCE AND RELATED**
NELSON, Trustee, and JAMES V.) **DATES AND [PROPOSED] ORDER**
CANTERBURY, Trustee,)
)
Plaintiffs,)
)
vs.)
SIMI MANAGEMENT CORP., a California)
corporation, doing business as CONNELL)
AUTO CENTER, and STEVEN A SIMI also)
known as ANSELMO SIMI, an Individual,)
Defendants.)
/

Pursuant to Local Rule 6.1(b), by this Stipulation and Proposed Order, the parties request that the Initial Case Management Conference in the above captioned matter be continued for two (2) weeks, to 1:30 pm on October 9, 2009. There is good cause for the requested continuance

1 which is to avoid a calendar conflict involving Defendants' counsel's schedule and to minimize
2 transaction costs while the parties explore settlement.

3 **GOOD CAUSE FOR THE REQUESTED CONTINUANCE**

4 At the time the Complaint was filed in this action (and well before any appearance by
5 Defendants' counsel) the Court issued its June 8, 2009, Order Setting Initial Case Management
6 Conference and ADR Deadlines. That Order scheduled the Initial Case Management Conference
7 for 1:30 pm on September 25, 2009.

8 Defendants' counsel, Douglas A. Marshall, has preexisting arrangements to attend his thirty
9 (30) year law school reunion in San Diego the weekend of September 25, 2009. Reunion events
10 are scheduled to begin the evening of September 25, 2009, in San Diego, and Mr. Marshall is
11 planning to drive to San Diego, departing from the San Francisco Bay Area early that morning.
12 The 1:30 pm Initial Case Management Conference in this matter conflicts with Mr. Marshall's pre-
13 existing plans, and Mr. Marshall would be unable to attend a 1:30 pm Case Management
14 Conference in San Francisco, and drive to San Diego to timely arrive for reunion activities.

15 The parties, though their counsel, have already met informally and discussed settlement of
16 the action. Settlement discussions are continuing and documents are being informally exchanged
17 and information provided with respect to settlement.

18 In light of the calendar conflict and to permit more time to explore settlement prior to the
19 expenditure of fees and costs preparing for the Initial Case Management Conference, and the
20 exchanges required by Rules, Counsel for Plaintiff is amenable to a two (2) week extension of the
21 Initial Case Management Conference, and the parties respectfully request that the following pre-
22 Initial Case Management dates be continued the same two week period:

23 To September 18, 2009, the last day to:

24 * meet and confer re: initial disclosures, early settlement, ADR process selection, and
25 discovery plan

26 * file ADR Certification signed by Parties and Counsel

27 * file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference

28 To October 2, 2009: the last day to file Rule 26(f) Report, complete initial disclosures or
state objection in Rule 26(f) Report and file Case Management Statement.

To October 9, 2009, at 1:30 pm, Initial Case Management Conference.

No previous requests for extension have been made and counsel for all parties have confirmed their availability for the Initial Case Management Conference on the requested date. The requested continuance of the other dates conforms those dates with the timeframe for the events as set forth in the June 8, 2009 Order Setting Initial Case Management Conference and ADR Deadlines.

Douglas A. Marshall
Kay & Merkle, LLP

By: Douglas A. Marshall
Douglas A. Marshall
Attorneys for Defendants SIMI
MANAGEMENT CORP., and STEVEN A
SIMI

Philip M. Miller
Kristen McCulloch
Michelle L. Sicula
Saltzman & Johnson

6 | Dated: August 26, 2009

By: Michelle L. Sicula
Michelle L. Sicula
Attorneys for Plaintiff Automotive Industries
Pension Trust, et al.

COURT'S ORDER

The Court, having considered the foregoing stipulation and good cause shown, the foregoing Stipulation is **APPROVED**. The following dates shall apply in this action::

September 18, 2009, the last day to:

* meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan

* file ADR Certification signed by Parties and Counsel

* file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference

October 2, 2009, is the last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement.

October 9, 2009, at 1:30 pm, Initial Case Management Conference.

KAY & MERKLE, LLP
100 THE EMBARCADERO
PENTHOUSE
SAN FRANCISCO, CA 94105
(415)-357-1200

SO ORDERED.

Dated: August 27, 2009

Honorable Jeffrey S. White
United States District Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

KAY & MERKLE, LLP
100 THE EMBARCADERO
PENTHOUSE
SAN FRANCISCO, CA 94105
(415)-357-1200